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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

RWANDA *

[9 November 1987]

* The initial report submitted by the Government of Rwanda concerning rights covered by articles 6 to 9 of the Covenant (E/1984/6/Add.4) was considered by the Sessional Group of Governmental Experts at its session in 1984 (see E/1984/WG.1/SR.10 and SR.12).

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INTRODUCTION

The present report has been prepared in accordance with the general guidelines for second periodic reports on articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights drawn up pursuant to Economic and Social Council resolution 1988 (LX).

COMMENTS ON ARTICLES 1 TO 5 OF THE COVENANT

The comments on articles 1 to 5 made in Rwanda's initial report (E/1982/3/Add.42) on articles 13 to 15 are still generally valid. Nevertheless, in this report, particular attention will be paid to the questions covered by articles 6 to 9 of the Covenant.

ARTICLE 6: RIGHT TO WORK

A. Laws to promote and safeguard the right to work

The right to work, as defined in article 6 of the International Covenant on Economic, Social and Cultural Rights, is guaranteed by the Rwandese Constitution and by the Labour Code.

B.(1) Information on the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, with particular reference to freedom from compulsion in the choice of employment and guarantees against discrimination in regard to access to employment

Article 30 of the Constitution states that "Everyone has the right to work, to choose his work freely, and to equitable and satisfactory conditions of work".

As to guarantees against discrimination in access to employment, article 25 of the Labour Code stipulates that "It is prohibited to make any distinction or preference based on race, colour, sex, religion, political opinion or national or social origin which would have the effect of destroying or being detrimental to equality of opportunity in employment".

(2) Information on policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual

Such policies were defined in the Third Five-Year Plan (1982-1986) for economic, social and cultural development, the underlying philosophy being to meet the essential needs of the population. The chief aims of the Plan were the following:

Self-sufficiency in food, both in quantity and in quality;

Promotion of employment with an adequate income to satisfy basic needs, and promotion of education and training to enable everyone fully to enjoy his role in economic and social life;

Improvement of the population's state of health, creation of safe housing with a degree of comfort, production of goods for mass consumption, and development of cultural life and leisure facilities.

To achieve these employment aims, the Third Five-Year Plan included recommendations:

(a) To intensify agriculture, something whereby it has been possible not only to make better use of the workforce, to cut down unemployment and to increase the average income of the peasants, but also to increase the active population in agriculture;

(b) To embark on labour-intensive public works and thereby create additional income for the most impoverished peasant families, to create permanent infrastructures with a measurable beneficial effect on the rural economy of the area concerned, and to enable low-income families to make the necessary investments in intensifying agriculture by means of some of the additional income obtained in this way;

(c) To attach priority to labour-intensive techniques;

(d) To promote services and production by craftsmen;

(e) To develop the industrial sector;

(f) To secure a greater role for public enterprises;

(g) To gain a better grasp of the employment market.

(3) Information on measures to ensure the best possible organization of the employment market

The measures taken in this context are set out in Presidential Order No. 111/09 of 17 April 1978, which relates to the organization of employment services. The Order stipulates that the Minister responsible for labour affairs is required:

To centralize job applications and vacancies;

To place job applicants;

To facilitate the geographical mobility of the workforce;

To prepare statistics on the employment market;

To gather and analyse, in co-operation with other public or private bodies, data on the situation regarding the employment market and the needs in the various occupations and industries;

To prepare an annual estimate of manpower needs and resources, in co-operation with the Ministers responsible for planning and education;

To conduct studies on matters such as vocational training, vocational guidance, unemployment and factors influencing the level and nature of unemployment;

To co-ordinate the activities of the various labour offices.

In addition, any job applicant is required to register with the Labour Department, which prepares a card for the applicant to produce when a vacancy occurs and also makes out a record containing all the particulars relating to his occupational qualifications.

(4) Technical and vocational guidance and training programmes

Since the Government embarked on the reform of the school system, education is intended to ensure that, on successful completion of secondary education, the student has specialized in a subject which opens the way for a university education in the same field. The skills learned form part of the criteria used for vocational guidance. Pupils not admitted to secondary education continue their studies in Integrated Rural and Craft Education Centres (CERAI), in which the emphasis is placed on technical training.

As far as training programmes are concerned, workers regularly benefit from training courses inside and outside Rwanda. They also take part in the seminars, colloquia and other meetings arranged for them in the light of national training priorities.

(5) Information on protection against arbitrary termination of employment

In the case of a contract of indefinite duration, the Labour Code states that "a contract of employment of indefinite duration may always be terminated by one of the parties. Such termination shall be subject to advance notice by the party terminating the contract" (art. 35). "In the case of termination of a contract by the employer during the employee's holidays, the compensation in the advance notice shall be twice as much" (art. 36). In addition, "notice shall be made to the party concerned in writing".

"... In the event of termination of a contract by the employer, the grounds for termination shall necessarily be indicated in the letter of notice" (art. 37). In this regard, article 41 of the Code stipulates that "... any termination of a contract of indefinite duration without advance notice or without full observance of the requisite period shall necessarily entail an obligation to pay the other party compensation amounting to the remuneration and benefits of all kinds to which the employee would have been entitled during the period of advance notice not actually observed".

Article 41 also stipulates that "... a contract may be terminated without advance notice in the event of gross negligence, subject to appraisal by the competent court in regard to the gravity of the negligence. In such a case, the employer shall serve notice of serious negligence within 48 hours of verification thereof, by registered mail or by acknowledgement of receipt in the presence of two witnesses".

A fixed-term contract can be terminated by one of the parties only in the cases provided for in the contract or in cases of gross negligence, as appraised by the competent court.

Unwarranted termination of a contract by one of the parties affords entitlement to damages for the other party (art. 42).

Article 43 goes on to state that "any unwarranted termination of a contract may give rise to damages. The competent court shall verify the abuse by an inquiry into the cases and the circumstances of the termination of the contract ...".

(6) Information on protection against unemployment

To cut down the rate of unemployment as much as possible, the Rwandese Government has undertaken to create, to the best of its ability, the greatest possible number of jobs providing incomes to meet basic needs. This is one of the paramount objectives of the Fourth Five-Year Plan (1987-1991).

In addition, the employment market has been better organized by requiring that a vacancy in any enterprise whatsoever must be reported within 15 days by the head of the enterprise to the Ministry responsible for labour affairs. The establishment of small and medium-sized enterprises has also been encouraged.

ARTICLE 7: RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

(1) Laws to promote and safeguard the right to fair remuneration in its various aspects

The right to fair remuneration, as enunciated in article 7 of the International Covenant on Economic, Social and Cultural Rights, is guaranteed by the Labour Code, more especially in article 82, which reads: "Under equal conditions as regards work, occupational skills and efficiency, the same wage shall be payable to all workers covered by this Act, irrespective of their origin, sex or age".

(2) Principal methods used for fixing wages

In Rwanda, minimum wages are fixed by the public authorities in the light of fluctuations in the cost of living. In this regard, the Labour Code states in article 85 that "orders by the Minister responsible for labour affairs, issued after consultation with the advisory commission, shall fix the minimum wages payable for each occupational category ...".

(3) Information regarding components of workers' remuneration other than regular wages

Pursuant to article 85 of the Labour Code, ministerial orders also establish length-of-service bonuses, minimum rates for overtime and night work and for work on non-working days.

(4) Statistical data showing the evolution of the levels of remuneration and of the cost of living

The minimum wages for the various categories have not altered since October 1985, although the cost of living has risen steadily. As can be seen from the following tables, the salary scales in the public sector and the minimum in the various categories in the private sector have experienced a 25 per cent deterioration in purchasing power.

MINIMUM IN THE VARIOUS CATEGORIES IN THE PRIVATE SECTOR

		1980 minimum	1985 minimum adjusted in terms of an annual rate of 4 per cent	1985 minimum adjusted in terms of the rise in prices
Category I	Step 1	2 500	3 042	3 113
	Step 2	3 750	4 563	4 669
	Step 3	5 250	6 388	6 537
Category II	Step 1	6 750	8 213	8 404
	Step 2	8 250	10 038	10 272
	Step 3	9 750	11 863	12 139
Category III	Step 1	12 000	14 600	14 940
	Step 2	14 400	17 520	17 928
	Step 3	16 560	20 148	20 618
	Step 4	19 320	23 506	24 054
Category IV	Step 1	16 560	20 148	20 618
	Step 2	20 640	25 112	25 697
	Step 3	23 805	28 963	29 638
Category V	Step 1	22 080	26 864	27 490
	Step 2	25 300	30 782	31 499
	Step 3	31 625	38 477	39 374

SALARY SCALES IN THE CENTRAL ADMINISTRATION

		1980 scale	Scale adjusted in terms of an annual rate of 3 per cent (1985)	Scale adjusted in terms of the rise in prices (1985)
Category 1	Secretary-General	41 239	50 174	51 434
	Director-General	37 950	46 172	47 248
	Director	33 270	40 479	41 421
	Head of Division	30 234	36 785	37 642
	Head of Section	27 324	33 244	34 019
	Administrative Secretary	23 782	28 935	29 609
Category 2	Chief Officer	22 770	27 704	28 349
	Officer	20 838	25 353	25 944
Category 3	Chief Editor	17 940	21 827	22 336
	Editor	16 836	20 484	20 961
	Assistant Editor	15 456	18 805	19 243
Category 4	Chief Officer, 1st class	14 112	17 170	17 570
	Chief Officer, 2nd class	12 816	15 953	15 956
	Chief Officer, 3rd class	11 700	14 235	14 567
Category 5	Chief Officer	10 350	12 593	12 886
	Officer	8 850	10 768	11 019
	Assistant Officer	7 500	9 125	9 338
Category 6	Chief Clerk	5 850	7 118	7 284
	Clerk	4 200	5 110	5 229

(5) Provisions and methods designed to ensure respect for the right to equal pay for work of equal value, and to ensure in particular that women are guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work

Article 82 of the Labour Code stipulates "equal pay for equal work" for everybody, irrespective of sex. Labour inspectors must ensure application of this provision by visiting enterprises to check the pay scales in those enterprises. Moreover, labour inspectors are required to examine petitions submitted by workers in the event of injustice in regard to equal pay.

(6) Difficulties encountered in extending to all workers measures designed to ensure that they receive fair remuneration providing a decent living for themselves and their families in accordance with the provisions of the Covenant

The difficulties that are an obstacle to extending such measures to all workers are primarily of an economic nature.

B. Safe and healthy working conditions

(1) Laws to promote and safeguard the right to safe and healthy working conditions

Safe and healthy working conditions are defined in the Labour Code, which specifies that an enterprise must be clean at all times so that employees work in the requisite safe and healthy conditions. The employer must also provide suitable equipment for his staff.

(2) Principal arrangements in procedures to ensure that these conditions are effectively respected at work-places

Where working conditions endangering workers' safety and health are found to exist, the labour inspector serves notice on the employer to remedy the situation. In this connection, article 143 of the Labour Code stipulates that: "when circumstances render it necessary to take immediate steps to bring premises or equipment into conformity with the laws and regulations in force, the labour inspector is empowered to serve notice requiring the use of the premises or equipment to be halted immediately and requiring the necessary modifications to be made in the premises or equipment within a specified time-limit. Such notice has executory force and enforcement may be suspended only by decision of the Minister".

The Labour Administrative Service must therefore ensure implementation of the provisions of the law concerning working conditions, protection of workers in the performance of their duties, and social security.

(3) Measures to ensure safe and healthy working conditions

Measures designed to ensure safe and healthy working conditions apply to all workers covered by labour legislation, in all categories, irrespective of the sector of activity.

(4) Statistical information concerning the number, nature and frequency of occupational accidents and cases of occupational diseases

STATISTICS ON OCCUPATIONAL ACCIDENTS, 1985

(Including accidents to and from the work-place)

A. By result of accident

Branch of economic activity	Number of workers	Result of accidents				No absence from work	Total
		Death	Permanent disability	Temporary disability			
				-48 hrs	+48 hrs		
1. Agriculture, forestry, hunting and fishing	20	1	9	2	8	-	
2. Mining industry	38	3	5	13	18	-	
3. Manufacturing industry	31	3	21	-	7	-	
4. Electricity, gas and water	3	2	1	-	-	-	
5. Buildings and public works	29	2	22	4	1	-	
6. Trade (wholesale and retail), restaurants and hotels	17	1	11	-	3	2	
7. Transport, warehouses and communications	9	1	7	1	-	-	
8. Banking, insurance, real estate and social and personal services	5	-	3	1	-	1	
9. Community services, social services and personal services	103	6	55	6	36	-	
10. Activities not properly designated							
	155	19	134	27	73	3	511

B. By cause

Cause	Number of accidents	Percentage
I. Machines		
1. Machines	13	2.826
2. Engines	4	0.869
3. Lifting machinery	8	1.739
4. Machine tools	28	-
5. Mechanical machines	16	3.478
II. Transport		
1. Railways	-	-
2. Boats	5	1.086
3. Vehicles	158	34.347
III. Explosions and fires	6	1.304
IV. Toxic, combustible or corrosive substances	9	1.956
V. Electricity	5	1.086
VI. Fall by worker	52	11.304
VII. Tripping over objects or hitting obstacles	79	17.173
VIII. Cutting and other tools	6	1.304
TOTAL	389	100%

OCCUPATIONAL DISEASES, SOCIAL SECURITY FUND,
OF RWANDA

Year	Diseases	
	Number	Deaths
1962	1	.
1963	5	2
1964	19	3
1965	5	4
1966	27	3
1967	106	9
1968	32	7
1969	27	8
1970	39	2
1971	55	.
1972	46	5
1973	34	-
1974	36	22
1975	29	-
1976	14	1
1977	14	-
1978	9	1
1979	14	2
1980	6	3
1981	17	3
1982	18	3
1983	16	2
1984	33	2
TOTAL	602	82

. = Data not available.

- = Nil.

C. Equal opportunity for promotion

(1) Laws and administrative regulations to further and to safeguard equality of opportunity for promotion and employment

The Labour Code;

The Presidential Order of 19 March 1974, containing in the general regulations for employees of the central administration;

The Decree-Law of 19 March 1974, containing the general regulations for public employees.

(2) Principal arrangements and procedures to implement this right in the public and private sectors, including training programmes

In the case of public employees, the Presidential Order and the Decree-Law mentioned above stipulate that, after full admission to the central administration, such employees are subject to an annual evaluation for promotion purposes. Promotion may take two forms:

(a) In-grade advancement or promotion to the next grade in the same category;

(b) Promotion from the highest grade in one category to the initial grade in the next category. Promotion is also subject to the following requirements:

(a) A permanent post within the grade must be vacant;

(b) The candidate must have the requisite skills for the higher post;

(c) The candidate must have been rated "suitable" in the latest evaluation or must have passed a test;

(d) The candidate may not have incurred disciplinary action more severe than disciplinary transfer since the latest evaluation.

In the case of promotion of employees with the same in-grade length of service, candidates are chosen on the basis of the evaluation or on the order of their most recent appointment.

In-grade advancement

In-grade advancement is subject to the following special conditions:

(a) In category 1:

At least five years' length of service in grade;

An overall rating of "VERY GOOD", or higher, in the latest evaluation;

(b) In categories 2, 3, 4, 5 and 6:

At least four years' length of service in grade;

An overall rating of "VERY GOOD", or higher, in the latest evaluation.

Eligibility for the higher category

The conditions for eligibility for the higher category are the same as for in-grade advancement in category 1. Nevertheless, the Minister may, where necessary, order an in-grade advancement examination on appropriate subjects. Candidates are classed in the order of success in the examination and, in the event of the same result, in accordance with actual service from the date of appointment or promotion to the grade in question.

It should also be noted that employees with Cycle 2 and 3 university degrees are awarded two and three years' in-grade seniority on completion of the probationary period; employees with a technical or A2 diploma are awarded two years' seniority compared with employees with a general diploma.

In regard to training matters, public employees receive in-service courses and participate in seminars and colloquia arranged by the central administration.

In the private sector, vocational training is one of the functions of the Ministry responsible for labour affairs.

For better implementation of recruitment, promotion and vocational training policy, the Government instituted under Decree-Law No. 15/77 of 7 June 1977 a national commission for personnel in the central administration and in the private sector. This commission is required:

To assist in the proper implementation of laws and regulations;

To act as an advisory body on all questions relating to public employees and employees in the private sector;

To determine anomalous situations and propose remedies;

To propose staff recruitment, promotion and further training measures.

In this context, the commission acts as the representative of the workers in Rwanda.

(3) Degree of realization of the right to equal opportunity for promotion

Labour legislation in Rwanda contains no provisions restricting the right to equal opportunity for promotion. Hence, any worker who meets the requirements can be promoted without difficulty.

D. Rest, leisure, limitation of working hours, and holidays with pay

(1) Laws and administrative regulations to promote and safeguard the rights to rest, leisure, reasonable limitation of working hours and periodic holidays with pay

The Labour Code:

The Decree-Law of 19 March 1974, containing the general regulations for public employees.

(2) Information on the position, in law and practice, in the various sectors of activity as regards:

(a) Weekly rest

As stipulated in article 31 of the Labour Code, "weekly rest is compulsory for all workers ... It shall consist of at least 24 consecutive hours each week. The Minister responsible for labour affairs may, by order,

authorize full or partial exceptions to the principle of weekly rest, and any suspension of or reduction in rest shall necessarily be compensated by equivalent periods of rest".

(b) Normal hours of work and overtime

Under article 117 of the Labour Code the statutory hours of work of employees or workers, irrespective of sex, age or the manner in which the work is performed, may not exceed 45 hours a week. They consist of 8 hours a day from Monday to Friday and 5 hours on Saturday mornings.

Any extra hours are considered as overtime and are paid at rates fixed by ministerial order. In addition, ministerial orders issued after consultation with the Labour Advisory Commission establish possible authorizations of waivers, whether permanent, temporary or periodic.

(c) Holidays with pay

Under the terms of Decree-Law No. 15/78 of 14 August 1978, amending article 133 of Labour Code, every worker is entitled to 15 days' annual holiday paid by the employer. The amount of leave increases in terms of length of service. Public employees receive 30 days' annual leave if they are established and 15 days if they are non-established.

(d) Remuneration for public holidays

Under Ministerial Order No. 641/06 of 13 August 1981, concerning application of the 45-hour week and the minimum rates for overtime and night work and work on non-working days, night work on non-working days during lawful working hours or the recognized equivalent is paid at 40 per cent extra per hour. Overtime at night on non-working days is paid at 120 per cent of the hourly wage and 100 per cent during the day.

However, it should be noted that overtime may be paid at a fixed sum provided it is not less than the amount the worker would receive if the overtime was paid in accordance with the provisions mentioned above.

(3) Principal arrangements and procedures to implement these rights in the various sectors, including industries and services where work is organized on a continuous basis, such as health care, the police, etc.

As stated above, the normal working week is 45 hours (art. 117 of the Labour Code), i.e. an average of 8 hours a day. However, Ministerial Order No. 641/06 of 13 August 1981, concerning the 45-hour week and the minimum rates for overtime and night work and work on non-working days, stipulates in articles 4, 5, 6, 7, 9 and 11 that waivers may be authorized in exceptional cases, in the public interest and for the purpose of works which for technical reasons must necessarily be done outside the time-limits prescribed by law. Nevertheless, the working day for health services may be extended by a maximum of not more than one hour.

(4) Degree of realization of the rights to rest, leisure and paid holidays

These rights are applied without fail in Rwanda.

ARTICLE 8: TRADE UNION RIGHTS

A. Laws to promote and safeguard trade union rights

The Rwandese Constitution;

The Labour Code.

B. Right to form and join trade unions

(1) Legal provisions governing the right to form and join the trade union of one's choice

Article 31 of the Rwandese Constitution confers on workers the right to form trade unions to uphold their social and economic interests.

Also, article 6 of the Labour Code provides that "persons carrying out the same trade, similar crafts or allied trades associated in the preparation of specific products, or engaged in the same profession, shall be free to form a trade union". The article goes on to recognize that workers and employers are free to join an occupational association, a principle that has been laid down, moreover, in the Charter of the recently established Rwandese Trade Union Federation of Workers (CESTRAR). The Charter further provides that "CESTRAR is the direct emanation of the national labour force and an expression of the will of all workers, in accordance with the guidelines of the Revolutionary Movement for Development (MRND), which proclaims that no activity carried out in respect for the law and the honour of the nation is inferior to any other ... and that all those who contribute by their work to the advancement of the country whether they be skilled workers, intellectuals or unskilled workers, are equally indispensable ...".

(2) Rwandese labour law contains no provision restricting the exercise of the right to form trade unions.

C. Right of trade unions to federate

In this connection it should be noted that article 16 of the Labour Code states that "employers' and workers' occupational associations are entitled to establish and join federations and confederations; any association, federation or confederation shall be entitled to affiliate with international workers' and employers' organizations".

This right was also taken into account in establishing CESTRAR's organizational system, for at the national level CESTRAR comprises two federations:

The Federation of Public-Sector Workers;

The Federation of Private-Sector Workers.

D. Right of trade unions to function freely

(1) Under article 6 of the Labour Code and article 57 of CESTRAR's statutes, trade unions have the right to draw up their own rules and regulations, to elect freely their representatives, to organize their programmes of action and to draw up their rules of procedure.

(2) As in the case of the other rights covered by this report, Rwandese law contains no restriction on the right of trade unions to function freely.

E. Right to strike

The Rwandese Constitution recognizes the right to strike only for employees in the private sector.

However, the CESTRAR statutes stipulate that a strike may not be held without the agreement of the Federal Executive Bureau. After an application for approval has been made, the period of notification may not exceed seven days' notice given to the other party if the Minister responsible for labour affairs has refused arbitration proceedings or if the decision handed down by the arbitration board has been the subject of a recourse by one of the parties.

F. Special restrictions imposed on the exercise of the rights referred to in B to E above in the case of members of the armed forces or of the State administration

All employees of the State administration have the right to join their occupational union subject only to the restriction that the most senior official in the department or establishment may not be a member of the executive body of the union. As also noted above, the right to strike is not recognized in the case of the employees of the central administration, since they are governed by the regulations of the administration.

The right of members of the armed forces to form trade unions is under consideration by the competent bodies.

G. Factors and difficulties affecting the degree of realization of trade union rights in their various aspects

Trade unionism is a concept that has recently been introduced in labour circles in Rwanda, so that it is still not possible to assess the influence of occupational organizations, particularly since some occupations are not sufficiently organized to form trade unions. In addition, there is not enough skilled personnel to educate and train the mass of workers at all levels.

ARTICLE 9: RIGHT TO SOCIAL SECURITY

(1) Administrative regulations relating to the social security system, including social insurance schemes

Presidential Order of 22 August 1974 governing the organization of social security services, as amended by Decree-Laws No. 10/77 of 3 February 1977 and No. 30/81 of 25 November 1981.

(2) Main features of social security schemes in Rwanda

The following table gives a breakdown of benefits paid and the number of beneficiaries for 1984.

Old-age pension		Early pension		Disability pension		Old-age allowance		Survivor's pension		Survivor's allowance	
Amount	Benef.	Amount	Benef.	Amount	Benef.	Amount	Benef.	Amount	Benef.	Amount	Benef.
106 109 668	2 571	3 041 165	66	3 874 869	59	1 939 956	486	39 401 246	2 802	25 773 694	558

TOTAL: 180 140 598

The occupational hazards scheme for 1984 may be broken down as follows:

Disability pensions	24 271 547
Survivors' pensions	30 312 278
Pensions to parents	4 [illegible]56 768
Daily allowances	1 695 791
Medical care	5 050 905
X-rays, analyses	1 650
Hospitalization	2 000 326
Transport	1 044 580
Prosthetics	744 105
Funeral expenses	35 500
Disability allowance	4 467 937
	74 581 387

During the same year, contributions received for the "occupational hazards" branch and for the "pensions" branch amounted to 307,653,036 and 922,959,107 respectively.

Expenditure and income may therefore be apportioned as follows:

	Total benefits paid and contributions received per branch		Total benefits paid and contributions received for the two branches
1. Benefits paid	74 581 387	180 140 598	254 721 985
2. Contributions received	307 653 036	922 959 107	1 230 612 143
TOTALS	382 234 423	1 103 099 705	1 486 334 128

1. Occupational hazards percentage:

$$\frac{382,234,423 \times 100}{1,486,334,128} = 25.72 \text{ per cent}$$

2. Pensions percentage:

$$\frac{1,104,099,703 \times 100}{1,486,334,128} = 74.28 \text{ per cent}$$

Features of the schemes in force

(a) Medical care

Medical care required for injuries sustained in an industrial accident, whether or not it results in absence from work:

Medical and surgical attention;

Medical and X-ray examinations and laboratory samples;

Supply of pharmaceutical and related products;

Maintenance in a hospital or other medical centre, including the food normally provided by the establishment;

Dental treatment;

Cost of transporting the victim from the place of the accident to medical centres, hospital, a surgery, and to his home;

Supply, maintenance and renewal of prosthetic and orthopaedic appliances necessitated by the disability caused by the accident and recognized as essential by a doctor appointed or approved by the Government.

Medical care is provided by the Rwandese Social Security Fund or by establishments selected from the official centres and private centres approved by the medical authorities, in which case they are reimbursed on the basis of a fixed rate established by agreement between these establishments and the Social Security Fund. In the event of absolute need, and with the agreement of the Social Security Fund doctor, medical treatment may be given abroad.

(b) Cash sickness benefits

The provisions governing industrial accidents (see below under (g)) apply to occupational diseases. The date on which the disease is first discovered is assimilated to the date of the accident.

(c) Maternity benefits

Maternity benefits are not yet covered by the existing social security system.

It should nonetheless be noted that article 128 of the Labour Code stipulates that "pending the establishment of a social security scheme, any woman employed by an industrial, commercial or agricultural establishment or in a branch of such establishment is entitled at the time of her confinement to payment by the employer of two thirds of her wage when her work is interrupted".

(d) Invalidity benefits

An insured person who is disabled before the age of 55 is entitled to a disability benefit, provided:

He has been enrolled in the Social Security Fund for at least five years;

He has paid up at least six of the 12 calendar months preceding the beginning of the infirmity leading to the disability.

Notwithstanding the above provisions, if the disability is due to an accident, the insured person is entitled to a disability pension provided he has filled a post covered by insurance at the time of the accident and he has been enrolled in the Social Security Fund prior to the accident.

A disability pension takes effect either on the date of consolidation of the injury or of stabilization of the condition of the insured person, or on expiry of a period of six consecutive months of disability if, in the opinion of a doctor designated or approved by the government, the disability is likely to last for another six months.

A disability pension is always awarded on a temporary basis and can be reviewed at times determined by the Social Security Fund. It is replaced by an old-age pension of the same amount when the beneficiary reaches the age of 55.

(e) Old-age benefits

An insured person is entitled to an old-age pension when he reaches the age of 55, provided:

He has been enrolled in the Social Security Fund for at least two years;

He has paid up at least 60 months during the 20 years preceding the date on which he becomes eligible for the pension;

He ceases all wage-earning activities.

The age may be lowered for an insured person who is suffering from a premature loss of his physical or mental faculties that prevents him from engaging in wage-earning activities.

An old-age pension, as well as an early pension, takes effect on the first day of the calendar month following the date on which the requisite conditions have been met, provided the pension application has been submitted to the Social Security Fund within a period of six months following the said date. If the pension application is filed after this period has expired, the pension takes effect on the first day of the calendar month following the date on which the application is received.

If an insured person has ceased all wage-earning activities and fails to meet the requirements for an old-age pension or early pension, but has reached the age specified and has paid up at least 12 months, he receives a lump-sum payment

(f) Survivors' benefits

Upon the death of a person drawing an old-age or disability pension or an early pension and upon the death of an insured person who, at the time of death, met the requirements for an old-age or disability pension or had ceased to be subject to insurance, and had paid up at least 18 months, the survivors are entitled to survivors' benefits.

The following are deemed to be survivors:

A widow or widower who has not been divorced, provided the marriage was contracted at least six months prior to the cessation of activities in the case of persons drawing an old-age pension or before the date on which the disability pension was replaced by the old-age pension for persons drawing a disability pension;

Children dependent on the deceased, non-wage-earning unmarried children, legitimate or legally adopted children, natural children recognized by the deceased in accordance with the law or by virtue of a decision of a court having jurisdiction. They must be at least 18 years of age or at least 25 years of age if they are continuing their studies and there is no age limit if they are suffering from a physical or mental disability which prevents them from engaging in wage-earning activities.

These benefits are broken down as follows:

50 per cent for the widow or widower;

25 per cent for each fatherless or motherless child;

40 per cent for each fatherless and motherless child.

However, the total survivors' benefits must not exceed the amount of the pension to which the insured person was or would have been entitled. If it exceeds the amount of the pension, the benefits are reduced proportionally.

The right to survivors' benefits is extinguished if the spouse remarries. If the insured person was not entitled to a disability pension and had paid up less than 180 months' insurance on the date of death, the widow or widower receives a survivor's benefit paid in a single lump-sum for an amount equivalent to as many monthly instalments of the old-age pension as the insured person would have been entitled to at the end of 180 months' coverage on the date of death.

(q) Employment injury benefits

In the event of temporary industrial disablement duly certified by the competent medical authorities the victim is entitled to a daily accident allowance, payable by the Social Security Fund, for each day of disability, whether or not it is a working day.

The amount of the daily allowance is equivalent to 75 per cent of the victim's average daily wage. The daily allowance is paid at the same intervals as the wages. However, this interval may not be less than one week nor more than one month.

In the event of permanent and total disability, the victim is entitled to a total disability allowance of 85 per cent of his average monthly wage.

A victim of an industrial accident who suffers from partial permanent disability is entitled to:

A disability allowance when the degree of his disability is equal to at least 15 per cent;

A disability allowance paid in one lump-sum when the degree of his disability is less than 15 per cent.

If an employee is again the victim of an industrial accident, the allowance or payment is calculated on the basis of all of the injuries suffered and of the wage taken as the basis of calculation.

If the industrial accident is followed by the victim's death, the survivors are entitled to survivors' benefits and to an allowance for funeral expenses equivalent to 100 times the legal minimum wage.

(h) Unemployment benefits

These benefits are not covered under Rwanda's present social security system.

(i) Family benefits

These are not covered either.

(3) Factors and difficulties affecting the degree of realization of the right to social security

Notwithstanding the inadequacy of the financial and material means available to Rwanda to cover all branches as reflected in the Covenant under this heading, efforts are being made to improve the existing system, particularly as regards the registration of employers, membership by workers, regular payment of contributions and settlement of benefits.

However, the Rwandese Government is making efforts to introduce improvements in the branches already covered and the competent services are currently engaged in a review of social security legislation. It should also be noted that benefits and allowances paid by the Social Security Fund have been increased under Decree-Law No. 30/81 of 25 November 1981, which amends the Decree-Law of 22 August 1974 on the organization of social security.